



FREDERICK COUNTY PLANNING COMMISSION

August 13, 2014

TITLE: Canal Run: Ambulatory Surgical Center

FILE NUMBER: SP-97-34, AP 14559, APFO 14562, FRO 14563

REQUEST: Site Development Plan and APFO Approval

The Applicant is requesting Site Development Plan approval for the construction of a 6,816 square foot health care facility with associated parking and utilities, on a portion of a 3.17-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: Located at the corner of Ballenger Creek Pike and Lockhouse Drive, north of Fletchers Drive.

TAX MAP/PARCEL: Tax Map 102, Parcel 23, lot 601
COMP. PLAN: Low Density Residential (LDR)
ZONING: Planned Unit Development (PUD)
PLANNING REGION: Adamstown
WATER/SEWER: W-4/S-4

APPLICANT/REPRESENTATIVES:

APPLICANT: Point of Rocks RE, LLC
OWNER: Point of Rocks RE, LLC
ENGINEER: Soltesz
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1-Site Plan Rendering
Exhibit 2-Parking Space, Loading Space, Entrance Spacing Modification Justification

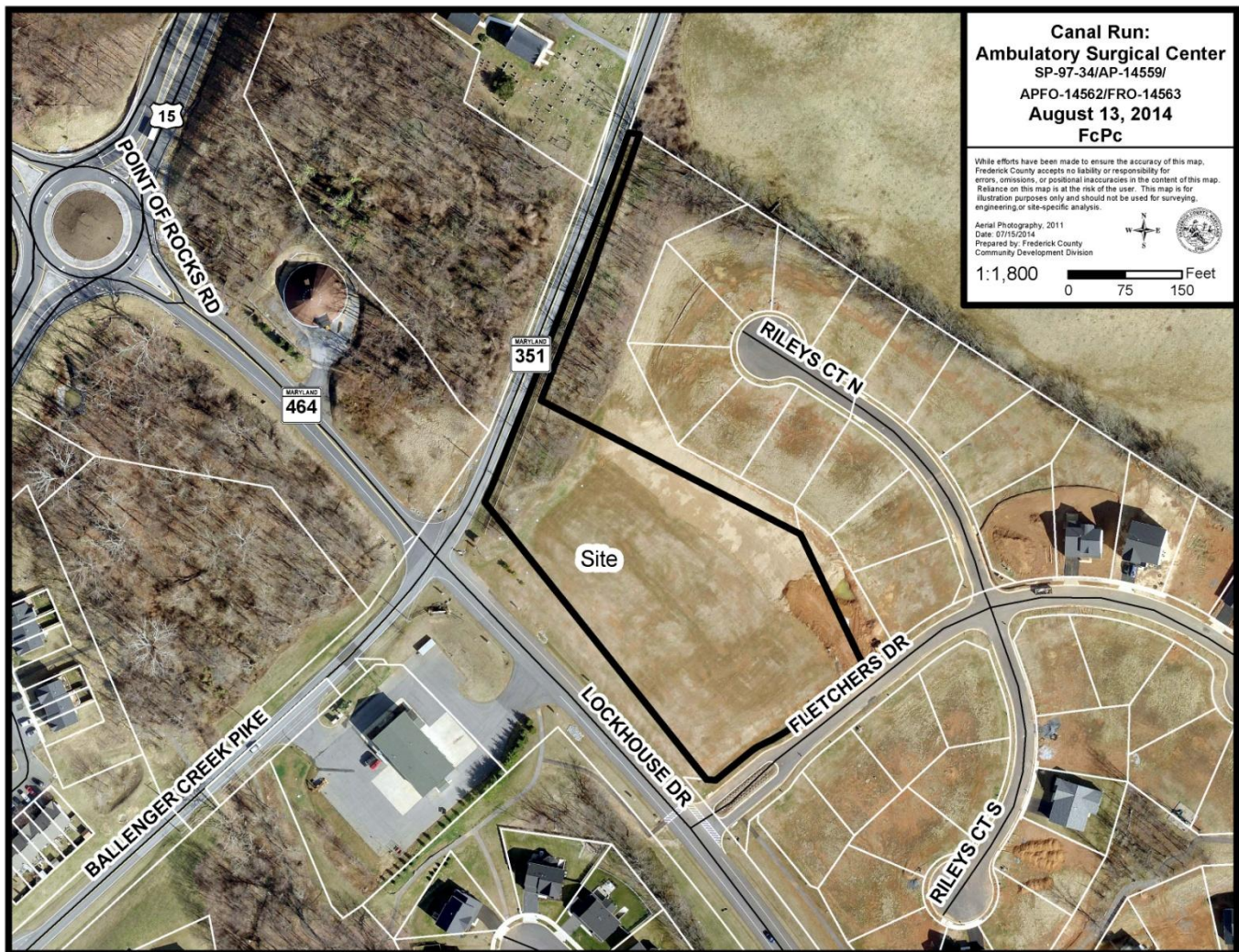
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Plan approval for the construction of a 6,816 square foot building with associated parking and utilities, on a portion of a 3.17-acre site. The proposed use is being reviewed as a "Health Care Facility" land use under the heading of "Quasi-Public/Institutional use" per the approved Phase II Preliminary Plan which was approved under the PUD regulations in the Zoning Ordinance ("Z.O.") in place in 2003 (the PUD language has since been revised). A Preliminary Plan was approved and then revised with approval in 2003. Therefore, although this site obtained Preliminary Plan approval under the PUD regulations in 2003, site plan approval was never applied for or received. A 'Health Care Facility' is a principal permitted use in the Planned Unit Development (PUD) Zoning District subject to site development plan approval. The proposed development is being reviewed under the current Phase II regulations per section 1-19-10.500.11 of the Zoning Ordinance. The site is located on the south-east corner of Ballenger Creek Pike MD 351 and Lockhouse Drive, see Graphic #1.

Graphic #1: Site Aerial



BACKGROUND

Development History

The following paragraphs detail the zoning and development approval history of the Canal Run PUD project. This history also seeks to document the permitted uses for the parcel located at the northeast corner of Lockhouse Drive and Fletchers Drive.

Zoning History

1959 - The property was originally zoned in 1959. with a combination of A-1 Agricultural, R-2 Suburban Residential, and B-1 Neighborhood Business, and M-1 Light Industrial zoning.

1968 – Portion (37 acres) of the R-2 zoning was rezoned to R-3

1977 – As part of the Zoning Ordinance update the zoning district nomenclature converted the R-2 to R-3, the R-3 to R-8, and the B-1 to GC.

1985 - The approximately 153 acre parcel was rezoned (case # 83-18) from R-3, R-8, and GC to Planned Unit Development (PUD). The rezoning was considered the Phase I Plan and was approved with a density of 3.9 dwellings/acre and a total of 597 dwellings. The PUD zoning became effective on March 5, 1985 with the following conditions:

1. The Developer shall upgrade the Point of Rocks water supply in proportion to the use required by the PUD.
2. Ballenger Creek Pike shall be upgraded by the Developer to collector standards from the mounted entrance of Potomac Village Subdivision to the northernmost commercial area on the concept plan and that Ballenger Creek Pike south to Point of Rocks be put in the CIP for upgrading concurrently with the Developer's plans for upgrading that portion of the road which will be constructed and for by the Developer.
3. Before the construction beyond 325 dwelling units is allowed, a determination shall be made for the Developer to complete construction of the connection of the road from MD 464 to MD 28.
4. Provisions shall be made by the Developer for pedestrian access and possible future street connection from Bowis Drive in the Point of Rocks Estates to the proposed school park site on the Developer's PUD proposal.
5. The Developer shall indicate to the Planning Commission how it intends to meet the required thirty per cent (30%) (of gross area) green area required in the PUD.
6. The County agencies reserve the option to change the interior road network as proposed by the Developer.

A revision to this rezoning was approved/effective on September 10, 1985 to rezone 1.2 acres from PUD to R-3 and rezone .79 acres from R-8 to PUD. An amendment, effective March 4, 1986, to the September 10th, 1985 rezoning modified a condition regarding access to the school/park site and when the parcel would be conveyed to the County. All of the Phase 1 rezoning conditions have been satisfied.

Development Plans History

1985 Phase I Plan

The original concept plan approved with the rezoning to PUD in 1985 proposed commercial uses (3.5 acres) in the area of the parcel at the corner of Lockhouse Drive and Fletchers Drive, and permitted a maximum of 597 dwellings.

1996 Phase II Plan

This was a land use/density plan that was conditionally approved by the Planning Commission.

1997 – Phase III Preliminary Plan

The Planning Commission approved (April 16, 1997) a Phase III Revised Preliminary Plan with a total of 580 dwellings (293 single-family, 167 townhouses, 120 multi-family). This plan still showed a commercial use (5.75 acres) at the Lockhouse Drive/Fletcher's Drive corner.

2003 – Revised Phase III Preliminary Plan

This Plan was conditionally approved by the Planning Commission on July 12, 2003. This Plan approved the 325 dwelling unit version of the PUD as a result of the inability to extend a relocation of MD 28 to east of Point of Rocks.

This Plan also changed the commercial use on the parcel at Lockhouse Drive and Fletcher Drive to Quasi-Public/Institutional use and reduced the parcel size to 3.25 acres. A condition regarding this parcel was also included in this approval.

10. Defer development of the quasi-public use area until the project is at least 75% built out and then send a questionnaire to the residents. If there is consensus for rezoning to commercial, take the action and go to the expense and costs to apply for rezoning to commercial.

The PUD language in place in 2003 identified the site for a Quasi-Public/Institutional Use. The Zoning Ordinance PUD language in 2003 defined quasi-public uses to include the following:

- Recreational and community activities
- Public services and facilities
- Churches
- Day care centers
- Health care facilities
- Nursing homes
- Senior citizen centers
- Funeral homes
- Schools
- Other quasi-public use the Planning Commission determines is compatible with the development, meets the needs of the PUD, and will not adversely impact adjoining land uses.

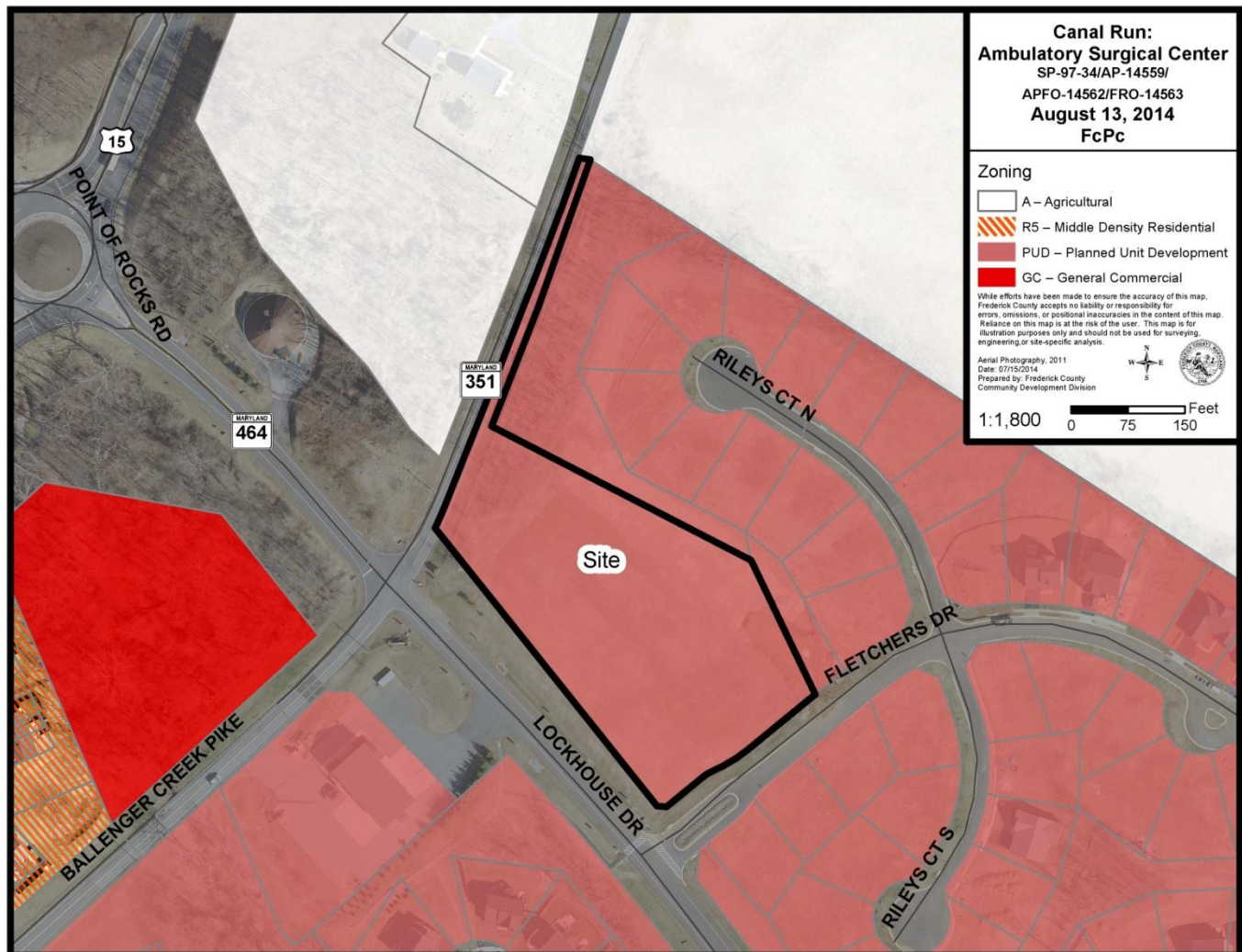
As part of the current Staff review of the development request, it was noted that this portion of land could not be recognized as buildable until a final plat was submitted and approved. The Applicant has met this requirement (see AP# 14462) and the proposed project may move forward.

The Applicant is requesting approval of the proposed 'Health Care Facility' which is allowed in the 2003 regulations as a Quasi-Public/Institutional Use within the PUD zone.

Existing Site Characteristics

The site is currently zoned PUD, and is a vacant 3.17 acre parcel. The properties to the north and east of the site are developed with single family detached homes located on both sides of Riley Court North and South, respectively. Lockhouse Drive forms the southern border, Ballenger Creek Pike is the western boundary of the site. See Graphic #2 below.

Graphic #2: Zoning Map



ANALYSIS

Summary of Development Standards Findings and Conclusions

The principal issue associated with this site development proposal was working with the existing community association in order to address any concerns they may have regarding the proposal. Staff worked closely with the Applicant in developing a landscape and screening plan that would screen the proposed use from the existing residents as well as improve the overall aesthetic of the area and the site. Staff also worked with the Applicant while designing the site in order to accommodate future development of the unused portion of the site at the corner of Lockhouse and Fletchers Drive.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

- 1. Dimensional Requirements/Bulk Standards §1-19-10.500.6(H)(2):** The setbacks for the proposed use are subject to Planning Commission approval as provided in current PUD regulations. The Applicant is proposing (3) 25-foot front, and an 8-foot side yard setback. Due to the overall design of the PUD this lot is a corner lot therefore no rear yard setback associated with the subject property. The proposed building is sited well within the proposed setbacks, with actual dimensions of 109.13-feet from Ballenger Creek Pike MD 351, 121.45-feet Lockhouse Drive, and 284.18-feet from Fletchers Drive.
- 2. Signage §1-19-6.300:** The Applicant is proposing a monument type sign to be located at the corner of Ballenger Creek Pike MD 351 and Lockhouse Drive. In accordance with Z.O. Section 1-19-6.320 the maximum permitted signage for this site is 125 square feet. The proposed sign complies with this requirement.
- 3. Landscaping §1-19-6.400:** The site is designed with a variety of plant species. Street tree plantings are consistent with previous approvals by the Planning Commission. The Applicant has provided plantings in the courtyard areas, and has also provided screening around the perimeter of the building as well as the parking areas. The Applicant worked with Staff in order to increase the number of interior landscaping as well as exterior screening on site. The site complies with the landscape requirements listed in Z.O. Section 1-19-6.400.
- 4. Screening §1-19-6.400:** The Applicant has provided a mixed species evergreen buffer along the northern property line, between the proposed building and the existing residents. The Applicant is also providing additional screening landscaping along the western property boundary with MD 351. The site complies with the landscape requirements listed in Z.O. Section 1-19-6.400.C.1
- 5. Lighting §1-19-6.500:** The Applicant completed a lighting plan in accordance with Z.O. Section 1-19-6.500. The Applicant is proposing 5, 15' tall pole lights in order to provide lighting throughout the parking area and site entrance. The Applicant is also proposing 10 building mounted lights for security and access. The lighting plan indicates that there is no light spillage above 0.5 foot candles at the periphery of the site. Staff has worked with the Applicant as well as the Canal Run Homeowners Association so that lighting glare would not be an issue. The closest pole light will be approximately 150' away from the closest residence, The lighting will be fully shielded and cast downward. The lighting will also be shielded from the residences by a full evergreen buffer along the northern property line. The Applicant is requesting a lighting height modification in accordance with Z.O. Section 1-19-6.500.G, for a 1' increase in light pole height from 14' to 15', Staff supports this modification request.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The site is served by a proposed 30' wide access onto Lockhouse Drive, a planned minor arterial road now functioning as a collector street. The proposed access is situated in order to serve the proposed use as well as a potential future use that may be located on the remainder of the 3.17 acre parcel. In accordance with the Entrance Spacing Guidelines Table 7, a modification is needed for a proposed commercial driveway on a "Minor Arterial Road-Suburban Character" is less than 350' apart from an existing public street. Lockhouse Drive is classified as a Minor Arterial Road.

The site is located between the intersections of Lockhouse Drive and Ballenger Creek Pike to the west and Fletchers Drive to the east. The distance between the two existing intersections is 500'. In order to most safely serve the proposed "Health Care Facility" as well as what will become the remaining undeveloped portion of the 3.174 acre tract, the Applicant is proposing the 30' wide access point midway between both intersections. The proposed drive will be 250' from both public streets (Ballenger Creek Pike & Fletchers Drive) on either side of the new driveway entrance. Existing site constraints would not allow for spacing greater than 250' between the proposed commercial driveway and respective public streets. Staff has no objection to the Planning Commission granting this entrance spacing modification, see Exhibit #2 for the further explanation from the Applicant.

2. **Connectivity §1-19-6.220 (F):** The present proposal is only developing a portion of the 3.17 acre site. The corner of the subject property adjacent to Lockhouse Drive and Fletchers Drive is currently proposed to remain vacant, although the area may be developed at a later date. The Applicant worked with Staff in order to design a 30' wide common entrance off of Lockhouse Drive in order to serve the proposed Ambulatory Surgical Center as well as the undeveloped portion of the overall site. Connectivity to adjacent development to the northeast is precluded by existing residential development and an existing open space parcel.
3. **Public Transit:** This site is not served by TransIT.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** Parking for the "Health Care Facility" is calculated based on the standards for "Medical and dental clinic and office" within Z.O. Section 1-19-6.220, which requires 1 for every 200 square feet of floor area of examination, treating room office and waiting room. The combined area of waiting, examination and treatment rooms within the proposed building is a total of 2,670 square feet.

The total number of required parking spaces is 13; the Applicant is proposing 29 parking spaces, including 2 ADA accessible spaces. Based on the operational history of other existing surgical centers the Applicant is proposing 29 parking spaces in order to ensure the availability of parking spaces for the staff members as well as patients during operation hours. This proposed center will staff approximately 15 staff members and 15 patients are inside the facility at any given time.

Therefore, in accordance with Z.O. Section 1-19-6.220.A.1, the Applicant requests a parking space modification to permit 16 spaces over the target of 13. The Applicant has submitted a parking space modification justification statement, which further details the request. See Exhibit #2. Staff has no objection to this requested increase of 16 spaces over the target.

Canal Run-Ambulatory Surgical Center

August 13, 2014

Page 7 of 14

As per Z.O. Section 1-19-6.210, the Applicant is required to provide 1 large or 2 small loading spaces. The Applicant is requesting a loading space modification in accordance with Section 1-19-6.210.B in order to provide 1 small 9' X 20' loading space. This site does not require tractor trailer deliveries; all deliveries and pick-ups will be accomplished by a small box truck. The Applicant has submitted a loading space modification statement, which further details the request. See Exhibit #2.

Staff supports the loading space modification request to provide 1 small 9'x20' loading space, rather than 1 large or 2 small loading spaces.

5. **Bicycle Parking §1-19-6.220 (H):** Per Zoning Ordinance §1-19-6.200.H, the Applicant has provided 1 bike rack, and therefore complies with the requirements of §1-19-6.200.H.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** There are no sidewalks proposed as part of this development application. Sidewalks currently exist on the south side of Fletchers Drive. There are no sidewalks on Lockhouse Drive.

Conditions:

1. Parking Space Modification, in accordance with Z.O. 1-19-6.220.A.1 to permit 16 additional parking spaces over the target of 13.
2. Loading Space Modification, in accordance with Z.O. 1-19-6.210.D to permit 1 small 9'x20' loading space, rather than the required 1 large 12'x50' or 2 small 9'x'20' loading spaces.
3. Entrance Spacing Modification, to permit a proposed commercial driveway on a "Minor Arterial Road-Suburban Character" is less than 350' apart from an existing public street.
4. Lighting Pole Height Modification, to permit (5), 15' tall light pole, which is a 1' height increase over the requirement of 14' in the PUD zoning district.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-4, S-4. The entire site is in pressure Zone #1 with water coming from New Design Road Water Treatment Facility and Sewer flowing into the Point of Rocks Wastewater Treatment System.

The property has W-4/S-4 water/sewer category, to ultimately provide public W/S to this property, a "3" W/S category must be obtained from the county and state which will require signed, approved water/sewer infrastructure Improvement Plans, and may require a groundwater appropriation permit from MDE.

Conditions: The site must receive a water and sewer amendment in order to change the site classification from W-4/S-4 to W-3/S-3.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The topography is flat; there is a slight uphill grade change from MD 351/Lockhouse Drive and Fletchers Drive to the site.
2. **Vegetation:** There is no existing vegetation on this site.
3. **Sensitive Resources:** There are no sensitive environmental features that are impacted by any proposed development on this site.
4. **Natural Hazards:** There are no natural hazards located on this site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** There is no common area proposed as part of this land development proposal.
2. **Ownership:** This site and building will be privately owned and maintained.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: A combined stormwater concept/development plan (AP 14560) has been submitted and reviewed and conditionally approved by Staff.

Subdivision Regulations – Chapter 1-16: The subject 3.17 acre parcel was a left over remainder of the overall Canal Run PUD, and was never a legal lot of record. Therefore, the Applicant had to file a Final Plat Application in order to properly document the lot. The final plat is intended to become the official record of the division of land within a development and no lot therein may be sold or transferred legally until a final plat has been approved and recorded by the Division.

The Final Plat for Canal Run Section Six, Lot 601, AP 14462 was recorded on 6/5/2014.

APFO – Chapter 1-20:

1. **Schools.** This application is exempt from APFO schools testing due to the non-residential use proposed.
2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the project, the Applicant recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads.** The project is exempt from APFO Roads testing. All APFO testing was performed during at the time of Preliminary Plan approval, the project and APFO are vested, and the proposed use does not increase the trip intensity of the past approval.

Forest Resource – Chapter 1-21: FRO mitigation for this site was provided with the overall Canal Run PUD FRO review and easement recordation process.

Historic Preservation – Chapter 1-23: There are no historic resources located on this site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Conditional Approval
Health Dept.	Conditional Approval
Office of Life Safety	Approved
DPDR Traffic Engineering	Conditional Approval
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the site plan to construct a 6,816 square foot “Health Care Facility” on a portion of a 3.17 acre tract. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Parking Space Modification, in accordance with Z.O. 1-19-6.220.A.1 to permit 16 additional parking spaces over the target of 13.
3. Loading Space Modification, in accordance with Z.O. 1-19-6.210.D to permit 1 small 9’x20’ loading space, rather than the required 1 large 12’x50’ or 2 small 9’x20’ loading spaces.
4. Entrance Spacing Modification, to permit a proposed commercial driveway on a “Minor Arterial Road-Suburban Character” less than 350’ apart from an existing public street.
5. Lighting Pole Height Modification 1-19-6.500.G, to permit (5), 15’ tall light pole, which is a 1’ height increase over the requirement of 14’ in the PUD zoning district.
6. The site must receive a water and sewer amendment in order to change the site classification from W-4/S-4 to W-3/S-3.
7. The site complies with the PUD regulations listed in Z.O. Section 1-19-10.500.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP-97-34, AP 14559 **with conditions and modifications** as listed in the staff report for the proposed 6,816 square foot “Health Care Facility” with associated parking on a portion of a 3.17 acre site based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: Canal Run: Ambulatory Surgical Center Site Plan Rendering



Canal Run-Ambulatory Surgical Center

August 13, 2014

Page 12 of 14

Exhibit #2: Canal Run: Ambulatory Surgical Center: Parking, Loading and Entrance Space
Modifications Justification



STRATEGIES FOR TODAY. INSIGHT FOR TOMORROW.

June 04, 2014
Revised July 17, 2014

Frederick County Planning Commission Members
C/O Tolson DeSa, Principal Planner II
Community Development Division
Frederick County, Maryland
30 North Market Street
Frederick, MD 21701

RE: Ambulatory Surgical Center - Final Site Plan (AP #14559) Modification Requests

Dear Mr. DeSa,

On behalf of my client, Point of Rocks RE, LLC, we respectfully request the Planning Commission to approve modifications to the following Frederick County Code requirements for the "Ambulatory Surgical Center" Final Site Plan.

Entrance Spacing Requirements
Parking Requirements – Section 1-19.6.220
Loading Space Requirements – Section 1-19-6.210

The circumstances surrounding and justification for these requests are contained within the following text.

Driveway Entrance Spacing Requirements:

As per the Entrance spacing guide table-7 approved by Frederick County Planning Commission (FcPc) on October 20, 2004, a modification request is needed if a proposed commercial driveway on a "Minor Arterial Road – Suburban character" is less than 350' apart from an existing public street.

Site access for the proposed development is via Lockhouse Drive which is classified as Minor Arterial road. Project site is located between intersection of Lockhouse Drive with Ballenger Creek Pike and Fletchers Drive. Distance between the two intersections is 500'. Applicant is requesting the new driveway access to the site at the midway between the intersections. Consequently, the driveway will be 250' apart from both the public streets (Ballenger Creek Pike & Fletchers Drive) on either side of the new driveway entrance.

Existing site constraints would not allow for spacing of greater and 250' between the proposed commercial driveway and Public Street.

Hence, the applicant respectfully requests your approval of modification to entrance requirement.

2 Research Place, Suite 100, Rockville, MD 20850 // P 301.948.2750 F 301.948.9067 // www.solteszco.com



Parking Requirements – Section 1-19.6.220

As per the Frederick County Code Section 1-19.6.220 - parking requirements, for a "Medical Clinic" use 1 parking space is required for 200 sf of proposed waiting, examination and treatment rooms. Combined area of waiting, examination and treatment rooms within the proposed building is total 2670 sf. Accordingly, total number of required parking spaces for the proposed development is 13.

Based on the operational history of other existing surgical centers applicant is proposing 29 parking spaces (including 2 accessible spaces) to ensure availability of parking spaces for the staff and patients during operation hours. As per available statistical data, approximately 15 staff members and 15 patients are inside the facility at a given time.

Hence, the applicant respectfully requests to approve the modification to allow 29 parking spaces for the proposed development.

Loading Space Requirements – Section 1-19-6.210

As per the Frederick County Code Section 1-19.6.210 – loading space requirements, a large or 2 small loading spaces are required for the proposed development.

All the medical supply deliveries and medical waste pick up for the proposed use is accomplished by a box truck. The use does not require a trailer truck for deliveries or pick up. As per available statistical data, a small loading space is sufficient to meet delivery and pick up needs for the proposed development.

Hence, the applicant respectfully requests your approval of modification to loading space requirement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ankur Patel", is written over the printed name.

Soltesz
Ankur Patel, P.E.
Project Manager